

The Jeff Diver Group, L.L.C.
environmental law

Jeffrey R. Diver[†]
Jeffery D. Jeep^{*}
Michael S. Blazer^{**}
Thomas S. Yu
Tracey A. Dillon

1749 S. Naperville Rd., Suite 102
Wheaton, IL 60187
(630) 681-2530
(630) 690-2812 Fax

Lake County Office:
450 N. Green Bay Road
Waukegan, IL 60085

[†] Of Counsel

^{*} Also admitted in Massachusetts
^{**} Also Admitted in New York

Michael S. Blazer
email: mblazer@enviroatty.com

Web Site: www.enviroatty.com

November 2, 2004

VIA FEDERAL EXPRESS

Mr. Rosauro Del Rosario
USEPA Region V
SR-6J
77 West Jackson Boulevard
Chicago, IL 60604-3507

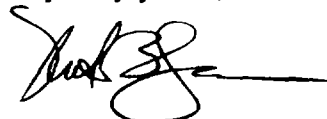
**Re: Ellsworth Industrial Park -- Suburban Moving and Storage
Our File No. 00532.3**

Dear Ross:

This is a follow-up to my e-mail to you of August 11, 2004, a copy of which is enclosed. Based on the raw sampling data generated by Weston Solutions, we pointed out that the Suburban property is not a "source" of any chlorinated VOC soil contamination; and that groundwater under the Suburban property does not contain any chlorinated VOCs. As a result, there is nothing currently on the Suburban property that needs remediation. You advised me in a subsequent telephone conversation that the Agency was awaiting the final report from Weston, at which time you would be in a better position to evaluate your stance as to any of the previously identified PRPs.

We have now had an opportunity to review the final August 3, 2004 Weston report, which you provided to us. The report (a copy of the relevant portion is enclosed) confirms that the Suburban property at 2333 Wisconsin, among others, "contained no detections of target chlorinated compounds." See Weston Report §2.3.4, p. 10. Under the circumstances, we renew our request that Suburban be removed from the list of PRPs at this Site. Since Suburban continues to incur defense costs in two pending lawsuits, primarily as a result of the Agency's initial designation of Suburban as a PRP, we would appreciate the Agency's consideration of this request at the earliest possible moment.

Very truly yours,



Michael S. Blazer

MSB/me

cc: Suburban Moving and Storage
Patricia Coe-Withington

EPA Region 5 Records Ctr.



265590